

In the Court of the Additional Subordinate Judge at Kanchipuram

Present: Thiru.P. Thirugnana Sambandam, B.A.,B.L.,

Additional Subordinate Judge, Kancheepuram.

Tuesday, the 21st day of February 2023

OS.No.168/2021

C.N.R.No.TNKP07001116/2021

Premavathy

.. Plaintiff

Vs.

1. Parveen

2. Riswan

.. Defendants

This suit is coming before me on 02.02.2023 for hearing before me in the presence of M/s.A.Karunanidhi and S.Santhanakrishnan Advocates for plaintiff and Thiru.E.Rajan Gandhi Advocate for defendants and the defendants being called absent set exparte and upon hearing the plaintiff side and having stood over for consideration till this day, this court delivered the following

JUDGMENT

Suit is for recovery of a sum of Rs.5,43,200/- being the principal and interest due on a pronote executed by 1 and 2 defendants with interest at the rate of 24% p.a from the date of Plaint till the date of realization on Rs.3,50,000/-, and for costs of the suit.

2. Brief averments in the plaint are as follows:-

The 1st defendant is mother of 2nd defendant. The Defendants have jointly borrowed a sum of Rs.3,50,000/- from the Plaintiff on 02.04.2019 to meet out their business expenses and family expenses and by agreeing and accepting repayment

both the defendants jointly executed a promissory note in favour of the Plaintiff on the same day. They have promised to repay the above said sum on demand with interest at 24% p. a. The Plaintiff has made oral demands with both of defendants on several dates to repay the above said sum at Rs.3,50,000/- with interest. Despite of Plaintiff's requests and demands, the defendants have not paid any amount either towards the principal or towards interest. Therefore the Plaintiff issued a legal notice on 16.06.2021 to defendants by demanding repayment of the said sum borrowed by them. The defendants received the notice but they have given reply with false and untenable allegations. The defendants are liable to repay the amount due under the above suit pro notes. Hence the Plaintiff filed this suit for recovery of sum of Rs.5,43,200/- with subsequent interest.

3. The defendants were remained set expate.

4. The issue for consideration is

1. Whether the plaintiff is entitled to the decree as prayed for?

2. To what other relief the plaintiff is entitled to?

5. On the side of the plaintiff, the Plaintiff examined as P.W.1 and Ex.A.1 to A.5 were marked. On the side of the defendant, no oral and documentary evidence adduced.

6. On Issues :-

On perusal of records the defendants 1 and 2 have borrowed a sum of Rs.3,50,000/- on 02.04.2019 and jointly executed a pronote agreeing to repay the same with interest at the rate of 24% p.a. as evidenced from Ex.A.1. Towards the

above said pronote the Defendants have not chosen to pay any sum inspite of the Plaintiff's repeated demands. Further the Plaintiff issued legal notice on 16.06.2021 to the defendants under Ex.A.2. The defendants received the notice as evidenced from Ex.A.3. and A.4. The Defendant issued a reply notice on 28.06.2021 as evidenced from Ex.A.5. Now the defendants are due to a tune of Rs.5,43,200/- as per the memo of calculation. The defendants have not paid either principal or interest till date. On perusal of Ex.A.1 and A.3 and A.4 the signature of the defendants are one and same. Hence it clearly found that the Ex.A.1 executed by the Defendants with valid consideration. The defendants set exparte. But on the side of the plaintiff has proved her case through evidence of P.W.1, and Ex.A.1.to A.5. Hence, the defendants are jointly or severally liable to pay a sum of Rs.5,43,200/- along with interest on Rs.3,50,000/- at the rate of 6% p.a. from the date of suit till the date of realization.

7. In result, suit is decreed with cost and the defendants are directed jointly or severally to pay a sum of Rs.5,43,200/- along with interest on Rs.3,50,000/- at the rate of 6% p.a. from the date of suit till the date of realization.

Dictated to the Shorthand writer, typed by her, corrected and pronounced by me in open court, this the 21st day of February 2023.

Sd./P.Thirugnana Sambandam
Additional Subordinate Judge,
Kanchipuram.

Exhibits on Plaintiff's side:

Ex.A.1	02.04.2019	Pronote executed by Defendants in favour of Plaintiff.
Ex.A.2	16.06.2021	Legal Notice to defendants by plaintiff.
Ex.A.3	22.06.2021	Acknowledgment card of the 1 st defendant.
Ex.A.4	22.06.2021	Acknowledgment card of the 2 nd defendant.
Ex.A.5	28.06.2021	Reply Notice to Plaintiff by defendants.

Witnesses on Plaintiff's side:

P.W.1 Tmt.Premavathy

Exhibits and Witnesses on Defendant's side: NIL.

Sd./P.Thirugnana Sambandam

A.S.J.